

Letter to Board & others
re. Resom. for Amending H.B. 736

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Maryland Chapter

AMERICAN PHYSICAL THERAPY ASSOCIATION

March 1, 1967

TO: Members of the Board of Physical Therapy Examiners

FROM: Legislative Committee, A.P.T.A. of Md.

RE: Mr. Gaines' letter of February 24, 1967

H.B. 736, as sponsored by the A.P.T.A. of Md. was introduced on February 28, 1967. It is our earnest desire that questions raised by Mr. Gaines' letter be resolved and that we secure the Board's approval for this legislation. We ask your careful consideration of the subject-matter in this communication.

First, since there were numerous references to "Mrs. Kendall's proposed legislation", it is necessary to remind the Board that the proposed legislation is that of the Md. Chapter of the A.P.T.A., and introduced as a result of a motion unanimously adopted at a regular business meeting of the association (as stated in the first paragraph of the previous communication to the Board).

The question has been raised regarding whether the proposed legislation is urgent. It is our understanding that Mr. O'Farrell pointed out to the Board the urgent need for improved definitions. The Md. Chapter believes the need is urgent. Due to the introduction of some legislation yesterday (H.B. 874), relating to the regulation of physical therapy apprentices, the need is more urgent than ever.

Nationally and locally there are proposals to train physical therapy assistants. In June the A.P.T.A. House of Delegates will consider an ad-hoc committee's proposal to sponsor and seek licensure of two-year-trained, Junior College-level assistants. We feel strongly that unless, and until, physical therapy is adequately defined, there are no safeguards against a complete breakdown of the practice if assistants come into the picture.

If occasion demands we would be prepared, through the proposed definition, to spell out what segment of physical therapy treatment (parts of item 3) that might be delegated to persons less qualified than the 4-year graduate physical therapist.

Since our own Maryland Health Department has been one of the prime sponsors of the plan to train assistants, the Board, as well as the Chapter, has already been confronted with the need to face up to this problem realistically.

In answer to the criticism regarding the absence of reference to medical direction in the new definition, it should be borne in mind that such a reference does not exist in the present definition. Sect. 609 part 6 regarding "written or verbal order" by the physician still stands as is.

To say that testing, planning and treating will all be done without reference to, or consultation with, the physician concerned is not a statement of fact because no patient is treated except by medical referral. The written or verbal orders of the physician do now, and would continue to, indicate what he wants so far as physical therapy is concerned. The physical therapist who oversteps the bounds set by the referring physician soon loses the referrals!

In the present definition are included the treatment modalities and the neuro-muscular testing - practically the same as in items 1 and 3 of the proposed amendment, but restated in better form. At the request of the Medical Faculty the words "as an aid to treatment" were added at the end of item 1 relating to performing tests.

Item 2 relating to treatment-program planning appears to be the chief concern to Mr. Gaines and some members of the Board. In regard to this section, we should like to draw attention to the fact that there is the qualifying part of the sentence "on the basis of the test findings". Specifically the reference is to the neuro-muscular and musculo-skeletal tests as stated in item 1. This qualifying phrase makes program planning relate almost entirely to treatment to improve muscle strength, range of motion and functional ability. It is in this area of patient care that physical therapists are especially qualified by their training. The selection of some form of heat and massage as adjuncts, especially in treating tight muscles, is also well within the scope of physical therapy, providing the physician has fulfilled his obligations in giving necessary direction, advice and precautions regarding treatment.

The failure to define the scope of practice has played havoc in the nursing profession with the result that there are so many levels of performance that the word "nurse" has lost its rightful designation.

The desire to establish and preserve our profession with some degree of dignity is another reason why we offer the definitions of physical therapy and of the practice of physical therapy as proposed.

Signed,

Florence P. Kendall

Florence P. Kendall
Chairman, Legislative Committee